IN THE HIGH COURT OF DELHI

Bail Application No.599/07

Anjali Lekhi ..... Petitioner
through : Mr.Bharat Sharma, Advocate

VERSUS

$ State of NCT of Delhi ..... Respondents
through : Mr.Anil Soni, Adv. for State.
Mr.S.P.Kaushal, Adv. for the complainant.

Bail Application No.1250/07

Sandeep Chopra ..... Petitioner
through : Mr.Rajiv K.Garg, Advocate.

VERSUS

$ State ..... Respondents
through : Mr.Anil Soni, Adv. for State.
Mr.S.P.Kaushal, Adv. for the complainant.

% DATE OF DECISION: 06.08.2007

CORAM:

* **Hon'ble Mr.Justice Pradeep Nandrajog**

1. Whether reporters of local papers may be allowed to see the judgment? Y

2. To be referred to the Reporter or not? Y

3. Whether judgment should be reported in Digest? Y

: **PRADEEP NANDRAJOG, J.** (ORAL)

1. Sandeep Chopra and his sister Anjali Lekhi have

approached this court by and under the two captioned petitions. Whereas Sandeep Chopra seeks regular bail, Anjali Lekhi seeks anticipatory bail.

2. Both the petitioners are accused in FIR No.39/2007 P.S. Chittaranjan Park attracting Sections 498A/304B IPC.

3. The complainant is Anita Bhatia whose daughter Shaifali was married to to Sandeep Chopra on 6.3.2006.

4. Shaifali gave birth to a baby boy on 18.1.2007. She was found dead on 9.2.2007. Cause of death is asphyxia. She was found hanging from a ceiling fan.

5. Since arguments of learned counsel for Sandeep Chopra centered around the language of the FIR, it would be useful for me to note relevant part of the FIR whereon would turn the fate of the two captioned petitions.

6. Inter alia, FIR records as under :-

> "…….On 6.3.2006 marriage was solemnized at Faridabad and spent about Rs.30 lakhs. After some days of marriage one day he came to our house and told that why you have not called my friend Raju @ Raj Kumar Kashyap mobile No.9873111115, who is my everything, he should be treated better than me. ……He is habitual drunker and gambler. He used to abuse us on phone and used to fight with our daughter. ……. On 18.1.2007 a child was born to our daughter on that occasion he was demanding Skoda car when on the marriage we had given

> Ascent car-red colour (HR-29P4907) but he gave the same to his sister. .....Before the marriage it was told that the son-in-law was Graduage but he was Matric. He had told us that if you fail to fulfill the demands of my, my friends and my family I would leave your daughter in your house. He used to come home after 11 PM after drinking and used to address filthy language to our daughter and used to beat her despite her pregnant condition."

7. It is urged by learned counsel for Sandeep Chopra that a perusal of the FIR shows that the gravement of the allegations against the petitioner is his friendship with Raju leading to fight between the husband and wife. Counsel urges that the complaint, based whereon FIR has been registered, evidences that the cause of death of Shaifali was friendship of her husband with Raju.

8. As regards Sandeep's sister namely Anjali, learned counsel urges that only allegation against his client is that Accent car stated to have been gifted by the parents of Shaifali at the time of her marriage was handed over to Anjali by her parents and her brother. Counsel urges that there is no assertion in the complaint that Anjali took away the car or that, Anjali desired a car from the parents of her prospective sister-in-law. Counsel urges that Anjali is married and is residing with her husband in Ludhiana. Her brother along with

the deceased was residing at Chittaranjan Park.

9. Before dealing with the respective submissions, I may additionally note that Sandeep Chopra has predicated claim for bail on an alternative ground, being that, there is nobody to look after his son.

10. Dealing with the case pleaded by Anjali, as noted above, in the FIR, only allegation pertaining to her is that the Accent car gifted by the parents of Shaifali was handed over to her by her brother. There are no allegations that Anjali desired the car.

11. Learned counsel for the State does not dispute that the car was recovered from the house at Chittaranjan Park where Shaifali died. It was in the custody of her husband.

12. Anjali is married and is settled in Ludhiana with her parents. The car not being recovered from her and there being hardly any allegations against Anjali in FIR, case is made out to grant anticipatory bail to Anjali.

13. As regards Sandeep, no case is made out to admit him to bail for the reason, it is an incorrect reading of the FIR that gravement of the allegation against Sandeep is his friendship with Raju.

14. The gravement of the allegation against Sandeep

is that he was a habitual drunker and a gambler. He over stated the qualification to get married to a girl from a decent background. To enjoy a luxurious life, he was harassing his wife compelling her to get more and more from her parents. As I read the FIR, reference to Raju is in the context of the mental trauma faced by Anjali for, according to her mother, Sandeep was bothered more about his prestige in the eyes of his friend Raju and was least bothered about his wife.

15. I cannot shut my eyes to the fact that Shaifali could not even enjoy her motherhood for even a month. No mother would snuff off her life thereby depriving her new born the love and affection, care and the blessings of the mother. Trauma of Anjali speaks for itself.

16. As regards the alternative plea of mercy, namely that, the young child has nobody to care for him, I record the statement made by the counsel for the complainant that the maternal grand parents of the child are prepared to look after their grand son.

17. I further note that in the bail application, in para 1, Sandeep Chopra has pleaded as under :-

> "1. That the applicant is a law abiding citizen, is a hard working business man and had been living in a joint family consisting of

his parents, two elder brothers with their wives and children. All family members were living happily with no problem financial or otherwise."

18. If Sandeep's parents and two elder brothers and their wives and children are common in mess, where is the question of Sandeep's presence being fatal to the growth of the unfortunate young child born to Anjali?

19. The young child can be brought up by his grant parents or his uncles or aunty's.

20. Bail application No.1250/2007 is dismissed.

21. Bail Application No.599/2007 is disposed of directing that if required for investigation, Anjali would join the investigation; and in the event of her being arrested, the I.O. would release Anjali to bail on her furnishing a personal bond in the sum of Rs.20,000/- with one surety in the like amount to the satisfaction of the I.O. In FIR No.39/2007 P.S. Chittaranjan Park under Section 498A/304 B IPC.

22. Copy of the order be supplied dasti to counsel for the petitioners.

August 6, 2007 PRADEEP NANDRAJOG, J.
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